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Attorneys for Plaintiffs

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9 BOARD OF TRUSTEES OF THE AUTOMOTIVE)
10 INDUSTRIES WELFARE FUND, AUTOMOTIVE)
11 INDUSTRIES PENSION FUND, JIM BENO,)
12 TRUSTEE,)

Plaintiffs,)

13 vs.)

14 OMEGA TANK AND TRUCK REPAIR, INC.,)
15 a California corporation)

16 Defendant.)
17

NO. C 08 1292 VRW

NOTICE OF
VOLUNTARY DISMISSAL

18 Notice is hereby given that plaintiff dismisses the above
19 entitled action without prejudice pursuant to Federal Rule of Civil
20 Procedure 41, and all dates relating to this case should be taken
21 off the Court's calendar including the hearing on a Case Management
22 Conference set for December 11, 2008 at 3:30 p.m. in Courtroom No.
23 6, 17th Floor, 450 Golden Gate Avenue, San Francisco, CA.

24 Dated: November 24, 2008

ERSKINE & TULLEY

25
26 By: /s/Michael J. Carroll
27 Michael J. Carroll
28 Attorneys for Plaintiff

NOTICE OF VOLUNTARY DISMISSAL

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, California 94104. On November 24, 2008 I served the within NOTICE OF VOLUNTARY DISMISSAL on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

Omega Tank and Truck Repair, Inc.,
2600 Rice Avenue
West Sacramento, CA 95691

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on November 24, 2008 at San Francisco, California.

/s/Sharon Eastman
Sharon Eastman

NOTICE OF VOLUNTARY DISMISSAL